

It has been also held, that a conveyance of the husband's land, by husband and wife, without an acknowledgment by the wife, agreeably to the act in the text, does not impair the wife's right of dower. *Kirk v. Dean*. 2 Binney, 341. 1770.

## CHAPTER DCVI.

*A SUPPLEMENT to the act, entitled An Act to enable the owners, and possessors of a certain tract of marsh and meadow land, therein described, situate in the county of Chester, to keep the banks, dams, sluices and flood-gates in repair, and to raise a fund to defray the expense thereof.* [Chap. 677. ante. p. 230. See chap. 1414.]

Passed 24th February, 1770.—Recorded A. vol. V. page 358.

## CHAPTER DCX.

*A SUPPLEMENT to the act, entitled An Act for bailing prisoners, and about imprisonment. (f)*

**WHEREAS** it is declared and enacted by the act, to which this act is a supplement, that the public allowance to prisoners shall be two pence *per day*, and no more, and that the respective prisons shall be work-houses, until others are provided for felons, thieves, vagrants, and loose and idle persons: And whereas some doubts have arisen, whether it was the intent and meaning of the Legislature, that the said allowance should be paid to persons committed for criminal offences, after conviction: For the removal of which doubts, *Be it enacted*, That all persons committed for any criminal offence whatsoever shall, during their imprisonment, have and receive three pence *per diem* each; and that the Commissioners of and for each respective county, within this province shall pay the same to the Sheriffs of their respective counties, for the diet and support of such criminals as shall be within their gaols respectively, out of the county stock, which shall from time to time be raised and levied for the payment of the county debts, any usage or custom to the contrary notwithstanding.

Passed 24th February, 1770.—Recorded A. vol. V. page 340.

(f) For the original act, and a general reference to laws respecting prisoners, see ante. chap. 151, pa. 56. (Note to former edition.)

## CHAPTER DCXVI.

*An ACT for the regulation of apprentices within this province.*

**WHEREAS** great mischiefs and losses have been sustained by the masters and mistresses of apprentices, within this province,

1770.

for want of some law to regulate their conduct and behaviour during their apprenticeships, to prevent their absenting themselves from their said masters or mistresses service without leave, to punish them for any disorderly or immoral behaviour, and to make the covenants between them mutually obligatory: For remedy whereof, *Be it enacted*, That all and every person or persons, that at any time or times heretofore have been, or after the publication of this act shall be, bound by indenture to serve as an apprentice in any art, mystery, occupation or labour, with the assent of his or her parent, guardian, or next friend, or with the assent of the Overseers of the poor, and approbation of any two Justices, although such persons, or any of them, were or shall be within the age of twenty-one years at the time of making their several indentures, shall be bound to serve the time in their respective indentures contained, so as such time or term of years of such apprentice, if a female, do expire at or before the age of eighteen years, and if a male, at or before the age of twenty-one years, as fully, to all intents and purposes, as if the same apprentices were of full age at the time of making the said indentures, any law, usage or custom to the contrary notwithstanding.

*II. And be it further enacted*, That if any master or mistress shall misuse, abuse, or evilly treat, or shall not discharge his or her duty towards his or her apprentice, according to the covenants in the indentures between them made, or if the said apprentice shall abscond or absent him or herself from his or her master's or mistress's service without leave, or shall not do and discharge his or her duty to his or her master or mistress, according to his or her covenants aforesaid, the said master or mistress, or apprentice, being aggrieved in the premises, shall or may apply to any one Justice of the Peace of any county or city, where the said master or mistress shall reside, who, after giving due notice to such master or mistress, or apprentice, if he or she shall neglect or refuse to appear, shall thereupon issue his warrant for bringing him or her, the said master, mistress, or apprentice, before him, and take such order and direction between the said master or mistress and apprentice, as the equity and justice of the case shall require: And if the said Justice shall not be able to settle and accommodate the difference and dispute between the said master or mistress and apprentice, through a want of conformity in the master or mistress, then the said Justice shall take a recognizance of the said master or mistress, and bind him or her over, to appear and answer the complaint of his or her said apprentice, at the next county Court of Quarter Sessions to be held for the said county or city, and take such order, with respect to such apprentice, as to him shall seem just; and if through want of conformity in the said apprentice, he shall, if the master or mistress, or apprentice, request it, take a recognizance of him or her, with one sufficient surety, for his or her appearance at the said Sessions, and to answer the complaint of his or her said master or mistress, or commit such apprentice, for want of such surety, to the common gaol or workhouse of the said county or city respectively; and upon such appearance of the parties, and hearing of their respective proofs and allegations, the said court shall, and they are hereby authorised

Apprentices to serve the time mentioned in their respective indentures, &c.

Masters, mistresses or apprentices, being aggrieved, method of applying for redress, &c.

and empowered, if they see cause, to discharge the said apprentice of and from his or her apprenticeship, and of and from all and every the articles, covenants and agreements, in his or her said indenture contained, the said indenture of his or her said apprenticeship, or any law or custom to the contrary, notwithstanding; but if default shall be found in the said apprentice, then the said Court is hereby authorized and empowered to cause, if they see sufficient occasion, such punishment, by imprisonment, of the body, and confinement at hard labour, to be inflicted on him or her, as to them, in their discretion, they shall think his or her offence or offences shall deserve.

1770.

III. *And be it further enacted*, That if any apprentice of any of the arts, trades, mysteries, occupations or labour aforesaid, shall depart and abscond from his or her master's or mistress's service into any other county of this province, or into the city of Philadelphia, it shall and may be lawful to and for any Justice of the Peace of such county or city to issue his warrant to any Constable within his county or city, to apprehend, take and have the body of such apprentice before him, or some other Justice of his county, and upon such appearance, and hearing of the complaint and defence of the parties, if default be found in the said apprentice, then and in such case, the said Justice of the Peace, before whom such warrant shall be returned, shall commit him or her to the common gaol of the county where his or her said master or mistress shall reside, unless he or she will consent to return home, or shall find sufficient surety to appear at the next Sessions, to be held for the county where such master or mistress shall reside, and answer the complaint of the said master or mistress, and not to depart the same without leave.

Method of proceedings in case of apprentices absconding.

IV. *And be it further enacted*, That if any person or persons whatsoever shall harbour, conceal or entertain any such apprentice, knowing him to be such, during the space of twenty-four hours, without his or her master's or mistress's consent, and shall not give notice thereof to his or her said master or mistress, every such person or persons, offending in the premises, shall pay to the said master or mistress the sum of twenty shillings, for every day he shall so harbour, conceal or entertain such apprentice, to be recovered in a summary way, as debts under five pounds are by law directed to be recovered, if the same shall not exceed five pounds; if otherwise, to be recovered by action of debt, to be brought at the suit of the party injured, in any Court of Common Pleas within this province.

Penalty on persons harbouring or concealing such apprentices.

V. *Provided always, nevertheless*, That nothing in this act contained shall be deemed, held or understood to repeal, alter or change any article, clause or thing, in the act of General Assembly of this province, entitled *An Act for establishing Orphans Courts*,\* passed in the eleventh year of Queen Anne.

\* Chap. 197.

VI. *And be it further enacted*, That the act, entitled *An Act for the regulation of apprentices within this province*,† passed in the third year of his present Majesty's Reign, and every article, clause and thing, therein contained, shall be, and is hereby declared to be, repealed, null and void.

Former law repealed. † Chap. 436.

Passed 29th September 1770.—Recorded A. vol. V. pa. 361. (g)

(g) By chap. 635, the Managers of the House of Employment, or a majority of them, and the Overseers of the poor of the boroughs and townships,

1770.

&c. by the approbation and consent of two or more of the Magistrates of the said city, or two Justices of the Peace of the county, were empowered to put out, as apprentices, all such poor children, whose parents are dead, or are unable to maintain them. (*Note to former edition.*) And see the notes to the act for the regulation of servants, &c. ante. pa. 11.—The 12th section of the act establishing the Orphan's Court, chap. 197, ante. pa. 85—The different local acts for establishing poor houses, referred to under title *Apprentice*, in the General Index to this edition, the 2d section of the act of April 2d, 1803. (post. chap. 2377,) for the confinement of runaway and disorderly apprentices in Phi-

ladelphia, and the case of the *commonwealth v. Kepple*. 2 Dallas, 197.

By a supplement to the act in the text, passed April 11th, 1799, (chap. 2074.) apprentices who abscond, shall be liable to actions for damages after they come of age; and a mode is prescribed for assigning the indentures, on the death of the master or mistress; or or by him or her in his or her life time.

Where an apprentice has not been regularly bound by indenture, his master cannot support debt against the clergyman for marrying him without publication of banns, or consent of such master. *Zieber v. Boos*, Berks, September, 1798. *Nisi Prius*. *Teates & Smith*, Justices. MSS. Reports.